

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America)	
)	
Plaintiff,)	ORDER REVOKING PRETRIAL
)	RELEASE
vs.)	
)	
Timothy Lynn Raab,)	Case No. 1:09-cr-014
)	
Defendant.)	

On April 16, 2009, the defendant, Timothy Lynn Raab, made his initial appearance before the court on a Petition for Action on Conditions of Pretrial Release. The petition alleged that Raab had violated his conditions of pretrial release by failing to abide by his home confinement as established by his assigned pretrial services officer. AUSA Gary Delorme appeared on the Government's behalf and moved for the revocation of Raab's pretrial release. Assistant Federal Public Defender Orell Schmitz appeared on Raab's behalf. Raab provided testimony.

Raab did not dispute that he has violated the conditions of his release as alleged. He further acknowledged that he has twice attempted to commit suicide, his most recent attempt precipitating the petition now before the court. However, he attempted to reassure the court that he is no longer having suicidal thoughts and poses no danger to himself or others.

The court finds there is clear and convincing evidence that Raab violated the conditions of his release as alleged. The court further finds that Raab poses a danger to himself and others given his repeated suicide attempts. Although the court appreciates his contrition, the fact remains that Raab has twice attempted to take his own life. Given Raab's suicidal ideations, the nature of the charges pending against, and the prospect of a relatively lengthy sentence, the court concludes that

there are no additional conditions of release it could impose adequately protect the safety of any other person or the community. Accordingly, the court **ORDERS** that Raab's pretrial release conditions be revoked and that he be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated this 16th day of April, 2009.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge